**MEMO ENDORSED**

**PARKER AND CARMODY, LLP**
ATTORNEYS AT LAW
30 EAST 33RD STREET
6TH FLOOR
NEW YORK, N.Y. 10016

DANIEL S. PARKER
MICHAEL CARMODY
CHRISTINA S. COOPER

TELEPHONE: (212) 239-9777
FACSIMILE:  (212) 239-9175
DaniellParker@aol.com

January 18, 2023

**By ECF and email**
Hon. Nelson S. Roman
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: **United States v. Max Nieves**
**19 Cr 402 (NSR)**

Dear Judge Roman:

I write requesting that the Court adjourn the VOSR hearing currently scheduled for Monday, January 23, 2023 for approximately 1-2 weeks.

I have conferred with AUSA Timothy Ly and the Government consents to this request.

Mr. Nieves' Bronx case was dismissed today and his Peekskill case is scheduled for January 23, 2023. It is anticipated that on Monday, that case will also be dismissed. The Government is in the process of determining whether it will go forward with regard to specifications involving the Bronx and Peekskill charges.  If so, then the Government will need to provide discovery with respect to those matters in advance of any hearing date.

Accordingly, we believe that it would make the most sense for the Court to adjourn the VOSR proceeding scheduled for January 23, 2023, but to set the matter down for a hearing within one to two weeks. I am unavailable on February 6 and February 10, 2023.

Thank you for your consideration in this matter.

**Deft's request to adjourn the in-person VOSR Hearing from Jan. 23, 2023 until Feb. 27, 2023 at 10:30 am is GRANTED with the Govt's consent. Clerk of Court is requested to terminate the motion at ECF No. 52.      Dated: White Plains, NY**
                                    **January 19, 2023**
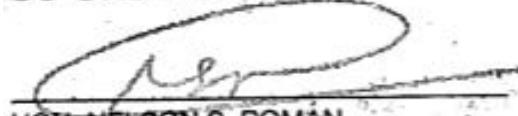
Respectfully submitted,

*[signature]*

Daniel S. Parker
Parker and Carmody, LLP
30 East 33rd Street

SO ORDERED:

*[signature]*

HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

1

6th Floor
New York, NY 10016
917-670-7622

Cc:  AUSA Timothy Ly
     AUSA Courtney Heavey
     (by ECF and email)